

As an initial matter, the Applicant respectfully requests that the Examiner consider the Information Disclosure Statement filed September 29, 1997, and that an Examiner-initialed copy of the PTO-1449 form be returned to the undersigned, as the Applicant has only received an Examiner-initialed copy of the PTO-1449 form submitted on December 3, 1998.

In the Official Action, the drawings were objected to because the Examiner asserted that reference characters "34" and "36" have both been used to designate the left peripheral side of the flip in Figure 1. First, it is assumed that the Examiner meant reference character "46" instead of "36". Nevertheless, the reference character "34" has been used to designate a peripheral edge of the flip, while the reference character "46" has been used to designate a first acoustic path 46 extending from the sound opening 44 to the hinge end 33a. Therefore, it is asserted that the reference numeral "34" and "46" reference two different features of the invention, and the drawings need not be corrected.

Paragraph 2 of the Official Action indicates that Claims 1-10 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,832,079 to *Rabe*. By way of the foregoing claim amendments, claims 1 and 10 have been amended.

The disclosed embodiment of the present invention relates to a flip style cellular telephone. The telephone includes a main housing, a flip pivotably mounted to the main housing by a hinge which has a free end remote from the hinge, and an acoustic pipe entirely extending along a peripheral edge of the flip from the free end to the hinged end to carry sound from the free end to the hinged end of the flip. The location of acoustic pipe on the peripheral edges of the flip advantageously positions the additional thickness due to

the pipe on the periphery of the flip, so that the portion of the flip that covers the key pad remains thin, and the profile of the unit as a whole is aesthetically pleasing. Because the pipe is located on along the peripheral edge of the flip, the main housing of the telephone may be recessed along its peripheral edge in order to accommodate the acoustic pipe when the flip is in the closed position, to thereby maintain the thin profile of the telephone.

In contrast, *Rabe* discloses an acoustic horn for use in cellular flip phones. The acoustic horn is formed as a flared cavity 26 within the cover 16, having a mouth or apertured end 24, and a throat end 28. At any point along the curved central axis 30 of the horn, between the mouth 24 and the throat 28, the incident sound pressure is at some intermediate value between its greater pressure at the throat and its least pressure at the mouth. (Column 3, lines 16-23).

While the Examiner interprets *Rabe* as disclosing an acoustic channel that "partly" extends along one of the peripheral edges of the flip, it is clear that the channel does not extend entirely on the peripheral edge of the flip. Therefore, claims 1 and 10 have been amended to clarify that the acoustic pipe extends "entirely" along the peripheral edge of the flip, which is not disclosed by *Rabe*. In fact, *Rabe* teaches away from placing an acoustic pipe extending entirely along a peripheral edge of the flip, in that it is impossible to place an acoustic horn "entirely" along a peripheral edge of the flip. The use of an acoustic horn requires that it be disposed at a central location of the flip and that it flare outwardly, as is apparent by the different shapes of horns contemplated for use with *Rabe*, such as a conical type, parabolic, and hyperbolic type.

In addition, the Examiner does not point to specific information in *Rabe* that would suggest the placement of a acoustic pipe extending entirely along a peripheral edge of a flip phone, as specifically recited in Claims 1 and 10. Furthermore, there is no motivation nor disclosure in *Rabe* to place an acoustic channel along a peripheral edge of the flip, to thereby maintain the thinness of the telephone.

For at least the reasons above, it is submitted that the claims of the present invention are patentably distinguishable over the disclosures contained in applied references. Accordingly, withdrawal of the rejections of record and allowance of Claims 1-13 of this application are earnestly solicited.

Should any questions arise in connection with this application, or should the Examiner believe a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that she be contacted at the number indicated below.

Respectfully submitted,

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